

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0630

ORIGINAL

SHANE BUCHER,

Plaintiff and Appellant,

v.

PATRICK HAROLD HUGHES,

Defendant and Appellee.

FILED

DEC 31 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**NOTICE OF APPEARANCE**

To: Ed Smith, Clerk of Supreme Court

Please note and enter the appearance of the Office of State Public Defender, Appellate Defender Office, P.O. Box 200145, Helena, Montana, as appointed counsel for the Defendant Patrick Harold Hughes (Hughes).

The Appellate Defender Office filed a Motion to Withdraw as Counsel of Record on December 15, 2009 in this case. The ADO did so under the impression that the appeal was a civil matter. However, upon further research and investigation, it appears that the appeal is not one concerning collection on a restitution matter. Rather, it appears that no civil judgment was entered and the "civil" notice of appeal was based on a judgment targeting a criminal judgment. Consequently, the ADO enters this notice of appearance for the limited purpose of filing a motion to dismiss the appeal and for any further briefing on issues

stemming from the criminal cause. The ADO notes that while the Notice of Appeal and the transcript are captioned as a civil matter, Toole County Cause No. DC-01-028, the cause was actually a criminal case, *State of Montana v. Patrick Harold Hughes*, and the judgment appealed from was an order denying the State's petition to revoke probation. The ADO does not enter this notice of appearance for any other purpose, such as collection of restitution, which is solely a civil matter for which the ADO services are not available.

Respectfully submitted this 31st day of December, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: Joslyn Hunt
JOSLYN HUNT
Chief Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

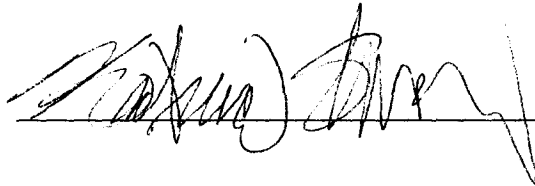
Notice of Appearance to be mailed to:

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PATRICK HUGHES
P.O. Box 961
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DATED: December 31, 2009

A handwritten signature in black ink, appearing to be "Patrick Hughes", written over a horizontal line.